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Attorneys for Defendant
Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISIONS

COREPHOTONICS, LTD.

Plaintiff,

vs.

APPLE INC.

Defendant.

Case No. 3:17-cv-06457-JD (lead case)
Case No. 5:18-cv-02555-JD

**DECLARATION OF PHILLIP MORTON
IN SUPPORT OF DEFENDANT APPLE
INC.'S OPPOSITION TO
COREPHOTONICS, LTD.'S MOTION
FOR LEAVE TO AMEND
INFRINGEMENT CONTENTIONS**

1 I, Phillip E. Morton, declare:

2 1. I am an attorney with Cooley LLP and counsel in this action for Defendant Apple
3 Inc. (“Apple”). I make this declaration in support of Defendant Apple Inc.’s Opposition to
4 Corephotonics, Ltd.’s Motion for Leave to Amend Infringement Contentions. I have personal
5 knowledge of the facts contained within this declaration, and if called as a witness, could testify
6 competently to the matters contained herein.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of Petition for *Inter*
8 *Partes* Review of U.S. Patent No. 9,568,712, dated May 23, 2018.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of IPR2018-01146
10 Decision Institution of *Inter Partes* Review 37 C.F.R. § 42.108, dated December 7, 2018.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of Petition for *Inter*
12 *Partes* Review of U.S. Patent No. 9,185,291, dated July 13, 2018.

13 5. Attached hereto as **Exhibit D** is a true and correct copy of IPR2018-01348
14 Decision Denying Institution of *Inter Partes* Review of U.S. Patent No. 9,185,291, dated
15 February 4, 2019.

16 6. Attached hereto as **Exhibit E** is a true and correct copy of IPR2018-01146
17 Judgment Final Written Decision 35 U.S.C. § 318(a) of U.S. Patent No. 9,568,712, dated
18 December 4, 2019.

19 7. Attached hereto as **Exhibit F** is a true and correct copy of filings addressing the
20 obviousness of claims 6 and 14 in IPR2018-01146 (Papers 40-43).

21 8. Attached hereto as **Exhibit G** is a true and correct copy of Request for *Ex Parte*
22 Reexamination of U.S. Patent No. 9,568,712, dated December 7, 2021.

23 9. Attached hereto as **Exhibit H** is a true and correct copy of Disclaimer in Patent
24 Under 37 CFR 1.321(a) of U.S. Patent No. 9,568,712, dated January 11, 2022.

25 10. Attached hereto as **Exhibit I** is a true and correct copy of Order Denying Request
26 for *Ex Parte* Reexamination Request of U.S. Patent No. 9,568,712, dated December 9, 2021.

27 11. Attached hereto as **Exhibit J** is a true and correct copy of IPR2018-01146
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1 Adverse Judgment After Institution of Trial 37 C.F.R. § 42.73(b) of U.S. Patent No. 9,568,712,
2 dated February 11, 2022.

3 12. Attached hereto as **Exhibit K** is a true and correct copy of IPR2020-00905 Patent
4 Owner's Response to Petition for *Inter Partes* Review of U.S. Patent No. 10,255,479, dated
5 February 4, 2021.

6 13. Attached hereto as **Exhibit L** is a true and correct copy of Petition for *Inter*
7 *Partes* Review of U.S. Patent No. 9,568,712, dated July 6, 2018.

8 14. Attached hereto as **Exhibit M** is a true and correct copy of IPR2018-01356
9 Decision Denying Institution of *Inter Partes* Review 37 C.F.R. § 42.108, dated February 5, 2019.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed on
11 June 3, 2022 in Washington, DC.

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13 /s/ Phillip E. Morton
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